WO

# UNITED STATES DISTRICT COURT

# DISTRICT OF ARIZONA

ı	INITED	STATES	OF A	MERICA

V.

#### ORDER OF DETENTION PENDING TRIAL

	Juan Pacheco-Prieto	Case Number:	08-7498m	
Defendant was	with the Bail Reform Act, 18 U.S.C. § 314 present and was represented by counsel. detention of the defendant pending trial in	I conclude by a preponderand	as submitted to the Court on 12/17/08.ce of the evidence the defendant is a flight risk	
I find by a prep	FI onderance of the evidence that:	NDINGS OF FACT		
	The defendant is not a citizen of the Uni	tod States or lawfully admitte	nd for parmanent residence	
		·	·	
	If released herein, the defendant face Enforcement, placing him/her beyond the or otherwise removed.	es removal proceedings by e jurisdiction of this Court and	the Bureau of Immigration and Customs the defendant has previously been deported	
	he District of Arizona.			
The defendant has no resources in the United States from which he/she might make a bond reasonably of to assure his/her future appearance.				
	The defendant has a prior criminal histo	ry.		
	The defendant lives/works in Mexico.			
The defendant is an amnesty applicant but has no substantial ties in Arizona or in the United State substantial family ties to Mexico.			in Arizona or in the United States and has	
	There is a record of prior failure to appe	ar in court as ordered.		
	The defendant attempted to evade law enforcement contact by fleeing from law enforcement.			
	The defendant is facing a maximum of _	years imprisonr	ment.	

The Court incorporates by reference the material findings of the Pretrial Services Agency which were reviewed by the Court at the time of the hearing in this matter, except as noted in the record.

### CONCLUSIONS OF LAW

- There is a serious risk that the defendant will flee.
- No condition or combination of conditions will reasonably assure the appearance of the defendant as required. **DIRECTIONS REGARDING DETENTION** 2.

The defendant is committed to the custody of the Attorney General or his/her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

## APPEALS AND THIRD PARTY RELEASE

IT IS ORDERED that should an appeal of this detention order be filed with the District Court, it is counsel's responsibility to deliver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing set before the District Court.

IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing before the District Court to allow Pretrial Services an opportunity to interview and investigate the potential third party custodian.

DATED this 17<sup>th</sup> day of December, 2008.

United States Magistrate Judge